

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER TAYLOR,)	CASE NO. 2:12-cv-44
)	
Plaintiff,)	JUDGE EDMUND A. SARGUS
)	
vs.)	MAGISTRATE NORAH McCANN KING
)	
)	<u>DEFENDANT'S REPLY</u>
SPECIALTY RESTAURANTS CORP.,)	
)	
Defendant.)	
)	

Defendant, Specialty Restaurants Corp. files this Reply, not for the purpose of setting forth a rebuttal to the Memorandum in Opposition filed by plaintiff, but rather to indicate to the Court that plaintiff **did** respond to the discovery requests, including the Requests for Admission on July 19, 2013. Those responses were e-mailed to undersigned counsel while counsel was on vacation and they overlooked in the e-mail account upon counsel's return to office. Nevertheless, the responses were not timely inasmuch as they were served on plaintiff on April 27, 2012, more than a year before they were answered. Requests for Admission forgo the necessity of a party filing a motion to have the requests deemed admitted. Rule 36 provides that the Request is admitted if not answered within thirty (30) days.

Again, undersigned counsel apologizes for any confusion surrounding the discovery that was answered by plaintiff on July 19, 2013.

CONCLUSION

For the foregoing reasons, defendant Specialty Restaurants Corporation is entitled to summary judgment in its favor. There are no questions of material fact in dispute and defendant is entitled to judgment, as a matter of law.

Respectfully submitted,

/s/ Edwin J. Hollern

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon John C. Camillus, Attorney for plaintiff, Law Offices of John C. Camillus, P.O. Box 14140, Columbus, Ohio 43214, by facsimile and electronic mail, this 18th day of October, 2013.

/s/ Edwin J. Hollern

EDWIN J. HOLLERN (0040534)